

1 DEPARTMENT OF ENVIRONMENTAL QUALITY
2
3 A Proposed Part 70
4 Air Operating Permit Modification
5 & The Associated Environmental
6 Assessment Statement
7
8 FOR
9 RIVER BIRCH, INCORPORATED
10 River Birch Lanfill
11 Waggaman, Jefferson Parish, Louisiana
12
13 Agency Interest Number 32219
14 Permit Number 1340-00223-V1
15 Activity Number PER20030002
16
17 The public hearing in the above titled
18 matter was taken at the Waggaman Playground
19 Gym, 516 Dandelion Avenue, Waggaman,
20 Louisiana, beginning at 6:00 p.m. on April
21 18, 2006.
22
23 BEFORE: R. Aaron Palmer, Certified Stenomask
24 Reporter In and For the State of Louisiana
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2 MS. DOOMES:
3 Good evening. Let the record
4 reflect that the time is 6:09 p.m. My
5 name is Mazie Doomes. I am employed
6 with the Louisiana Department of
7 Environmental Quality. I will be
8 serving as the hearing officer this
9 evening, Tuesday, April 18, 2006.
10 This hearing is scheduled to accept
11 public comments concerning the proposed
12 Part 70 Air Operating Permit
13 Modification and the associated
14 Environmental Assessment Statement (EAS)
15 for River Birch, Incorporated, Building
16 2, 1400 Lapalco Boulevard, Harvey,
17 Louisiana 70058 for the River Birch
18 Landfill in Jefferson Parish, Louisiana,
19 Agency Interest Number 32219, Permit
20 Number 1340-00223-V1 and Activity
21 Tracking Number PER20030002. The
22 facility is located at 2000 South Kenner
23 Avenue, Waggaman, Jefferson Parish,
24 Louisiana.
25 An expansion of the landfill from

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1 238 acres to 399 acres was permitted in
2 the LDEQ Solid Waste Permit Number D-
3 051-6741/P0321, public noticed on
4 November 26, 2003, and issued on January

5 9, 2004. This landfill was also issued
6 Water Permit Number LA0099473 that was
7 public noticed on October 14, 2004, and
8 was issued on December 17, 2004.

9 River Birch, Incorporated, is also
10 required to expand its landfill gas
11 collection system and to therefore
12 modify its Part 70 Air Operating Permit.
13 Landfill gas will be collected and
14 controlled by a flare as required by New
15 Source Performance Standards (NSPS)
16 Subpart www. Portable engines are also
17 included in the permit. The EAS
18 submitted by the applicant addresses
19 avoidance of potential and real
20 environmental effects, balancing of
21 social and economic benefits against
22 environmental impact costs, and
23 alternate sites, projects, and
24 mitigative measures.

25 This hearing is not being conducted

1 in a question and answer format. Please
2 remember that the purpose of this public
3 hearing is for DEQ to receive your
4 comments concerning the proposed Part 70
5 Air Operating Permit Modification and
6 the associated Environmental Assessment
7 Statement (EAS).

8 This hearing is to provide all
9 individuals a chance to be heard
10 regardless of their position on this
11 proposed Part 70 Air Operating Permit
12 Modification.

13 Courteous behavior is expected of
14 everyone at all times. You may speak in
15 support of the proposed Part 70 Air
16 Operating Permit Modification; in
17 opposition to the proposed Part 70 Air
18 Operating Permit Modification; or simply
19 to provide additional information. All
20 interested persons will be given a
21 reasonable opportunity to comment,
22 unless testimony is not related to the
23 purpose of the hearing. Your comments
24 will be evaluated and addressed in the
25 Department's written response.

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1 A public notice advertising this
2 public hearing and request for public
3 comment on the proposed Part 70 Air
4 Operating Permit Modification and the
5 associated Environmental Assessment
6 Statement was published on March 9,
7 2006, in The Times Picayune, New
8 Orleans, The Times Picayune (Westbank
9 Edition), New Orleans, and The Advocate,
10 Baton Rouge.

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11 A copy of the material associated
12 with the proposed Part 70 Air Operating
13 Permit Modification and the associated
14 Environmental Assessment Statement is
15 available for inspection and review at
16 the LDEQ, Public Records Center, Room
17 127, 602 North 5th Street, Baton Rouge,
18 Louisiana. Viewing hours are 8:00 a.m.
19 to 4:30 p.m., Monday through Friday,
20 except holidays. Additional copies are
21 also available for review at the
22 Jefferson Parish Library, Westwego
23 Branch, 635 Fourth Street, Westwego,
24 Louisiana 7009412. In addition, copies
25 of the public notice were mailed to

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1 individuals who have requested to be
2 placed on the mailing list maintained by
3 the Office of Environmental Services, on
4 March 8, 2006, and also mailed to those
5 concerned citizens who requested a
6 public hearing related to this proposed
7 Part 70 Air Operating Permit
8 Modification and the associated
9 Environmental Assessment Statement, on
10 March 9, 2006.

11 In accordance with Louisiana
12 Administrative Code, Title 33, Part III,
13 Section 531 A.3.c, comments received by

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14 12:30 p.m., Monday, April 24, 2006, will
15 be considered prior to a final decision.
16 All comments received by 12:30 p.m.,
17 April 24, 2006, shall be retained by the
18 Department and considered in determining
19 whether to issue or deny the Part 70 Air
20 Operating Permit Modification.

21 Written comments on this proposed
22 Part 70 Air Operating Permit
23 Modification may be submitted to Ms.
24 Soumaya Ghosn, LDEQ-OES, Environmental
25 Assistance Division, P.O. Box 4313,

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1 Baton Rouge, Louisiana 70821-4313.

2 Under Louisiana Revised Statutes
3 30:2017, as revised by the legislature
4 in the 2004 session, the Department is
5 required to follow the following order
6 with the provision that the presiding
7 officer may give preference to a public
8 official to speak at any time during the
9 hearing. However, any time limit set
10 for citizen testimony shall apply to
11 public officials.

12 The Department must provide up to 30
13 minutes to the permit applicant for an
14 introductory presentation. Thereafter,
15 preference for speaking up to one hour
16 is given as follows:

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17 For the first hour, to those
18 citizens who live within a two-mile
19 radius of the location of the facility;
20 For the second hour, to those
21 citizens who work within a two-mile
22 radius of the location of the facility;
23 And for the third hour, to those
24 citizens who live within the parish of
25 the location of the facility.

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1 Thereafter, each hour of the hearing
2 shall alternate between those who are in
3 support of the proposed Part 70 Air
4 Operating Permit Modification and those
5 who are opposed to proposed Part 70 Air
6 Operating Permit Modification. The
7 order of tonight's hearing will be based
8 on the information provided by the
9 speaker on the registration form.
10 Anyone who registered to speak but did
11 not provide the necessary information
12 will be given the opportunity to speak;
13 however, they will be called last in the
14 order of registration.

15 This hearing is being transcribed;
16 therefore, I ask that each speaker begin
17 by stating for the record their name,
18 address, and any organization he or she
19 may represent. I also remind you to

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20 please turn off all cell phones. Thank
21 you.
22 At this time, the permit applicant's
23 representative may come forward and make
24 their introductory presentation.
25 MR. MANDELL:

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1 My name is Mack Mandell. I'm the
2 general manager for River Birch
3 Landfill. Our office is at 1400 Lapalco
4 in Gretna - Harvey, Louisiana. I'd
5 like to welcome y'all ladies and
6 gentlemen for coming this evening. In
7 2002, the Louisiana Department of
8 Environmental Quality issued us an Air
9 Permit for the operation of the River
10 Birch Landfill. Air Permits issued by
11 the LDEQ expire every five years, and
12 this is simply a renewal of our permit
13 with some modifications. As presented
14 earlier, you know, we have put in a
15 landfill gas collection system, which
16 has eliminated numerous odors and quite
17 a bit of the emissions that were coming
18 from our landfill. River Birch has
19 expended over - right at two and a half
20 million dollars drilling these 62 wells
21 and are ahead of the game at this point.
22 We've installed the system. I would

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23 also like to add that we will continue
24 to add these wells as we fill up the
25 landfill. We are currently negotiating

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1 to sell this gas to possibly generate
2 power here to this area. And we're
3 looking at other ways to eliminate our
4 emission. In conjunction with Jefferson
5 Parish, we have initiated an odor
6 elimination program for an odor misting
7 system. We've spent in excess of
8 \$150,000 and Jefferson Parish has
9 probably spent equally that or more for
10 the misting system that neutralizes
11 odors primarily from the - when the
12 wind blows to the southeast, it comes to
13 this area. We are constantly trying new
14 chemicals to try to get this right, and
15 I promise you we will continue to try to
16 be a good neighbor, as evidenced by our
17 meeting with the S-1 Civic Association
18 last evening. One thing I would like to
19 stress about this, this is not - this
20 meeting will not - this Air Permit does
21 not in any way change the size of our
22 landfill or what comes into the site.
23 So, in closing, I thank y'all for
24 coming.
25 MS. DOOMES:

1 Thank you.

2 I will now begin by allowing all
3 persons who have signed up to speak -
4 The first person who signed up to speak
5 is Mr. Keith Kiraly.

6 MR. KIRALY:

7 My name is Keith Kiraly. I live at
8 216 Modern Farms Road, Waggaman. I live
9 within a two-mile radius. I also am the
10 president of the S-1 Civic Group of West
11 Jefferson. We have met with the people
12 at River Birch. We did not discuss
13 anything as far as the odor. We have
14 been experience - experiencing a lot of
15 odor prior to this year. Because
16 normally the odors that we started
17 experiencing would begin in the
18 summertime, when it really gets hot and
19 the garbage and whatever has a chance to
20 rot or - it's already rotted when it
21 gets there, but it begins to pick up a
22 little time frame sitting in one area.
23 I do applaud them on what they've done
24 so far, but we still have concerns as
25 far as the odor, because it has not been

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1 eliminated. Since we can't ask any
2 questions - and just - I'm reading the
3 increase of pollutants. And by no way,
4 shape, or form has this form put into
5 any type of simplification as far as
6 what a PM10 is or an SO2 is or NOX, so the
7 common person is not going to really
8 understand what these pollutants are.
9 And these are one of my concerns. There
10 are a lot of people who are not
11 knowledgeable of this meaning. I did a
12 poll. So, again, I hopefully ask that
13 DEQ can explain some of the terminology
14 in here, exactly - especially when
15 there's a 58 percent increase in CO and
16 a 47 percent in NOX. What does that
17 mean, exactly, and does the DEQ have a
18 way of monitoring this air control
19 beyond River Birch's monitoring system?
20 I also heard them say that they were
21 spraying - misting the dump, which I
22 was aware of that. It will take a lot
23 of that and additional types of forms.
24 And one of the things he did not address
25 was the bird population that we've had.

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1 what they're doing to eliminate that,
2 which is creating a lot of problems and
3 digging up the garbage and creating a

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4 smell also. So thank you very much.

5 MS. DOOMS:

6 Is there anyone else who would like
7 to speak? Opposed to or in favor of the
8 proposed permit. Are there any other
9 comments?

10 I remind you that the comment period
11 for this proposed Part 70 Air Operating
12 Permit Modification for River Birch,
13 Incorporated, River Birch Landfill, ends
14 at 12:30 p.m., Monday, April 24, 2006.

15 If there are no other comments, I
16 would like to thank you for your
17 attention -

18 would you please give your name and
19 address and any organization that you
20 represent?

21 MR. STENERSON:

22 Sure. My name is Paul Stenerson, S-
23 T-E-N-E-R-S-O-N. I live in the
24 neighborhood on Oleander Lane within two
25 miles of here. I'm also a member of the

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1 Waggaman Civic Association, and our
2 Association, at this point, has taken
3 the stance that we would still like to
4 know more. Keith, I think, summed it up
5 very well. A lot of the information
6 that we're seeing we can't understand to

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7 make a decision on that. If somebody
8 could break all this stuff down to us,
9 maybe we'd be able to sit down and make
10 an intelligent decision over this. We
11 have not had a chance to sit down with
12 anybody from River Birch as of this
13 time. But as of today, I spoke with Mr.
14 Caramadel, our president, and we're
15 waiting to have everything cleared up.
16 Again, Keith has mentioned another
17 thing. The birds are really becoming a
18 problem, and I'd like to find out what's
19 going on with that. We also were told
20 that the airport is also complaining
21 about the birds being in flight patterns
22 coming in. That's all I have. Thank
23 you.

24 MS. DOOMES:

25 Are there any other comments? Does

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1 anyone else wish to make a comment?

2 If there are no other comments, I
3 would like to thank you for your
4 attention and participation in this
5 hearing.

6 Let the record reflect that the time
7 is 6:26 p.m. This hearing is closed.

8 WHEREUPON, AT 6:26 P.M. THE HEARING ENDED.

9 MR. GALLEY:

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10 My name is Ronald Galley, 10217
11 River Road, Waggaman. I've lived in
12 this community for forty-something - 43
13 years in this subdivision, and I just
14 moved. I moved a little west, right
15 next to South Kenner Road. Every time
16 there is a south wind, southeast wind
17 there's nothing but the smell from the
18 dump. I'm not happy with it. Never was
19 happy with it, even those number of
20 years living in the community. Sea
21 gulls, that's all you hear is sea gulls,
22 and there's no water in this area. Sea
23 gulls - You wash your truck, and there
24 you've got to go wash it again in the
25 evening. You're sick and tired of it.

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1 Sea gulls are landing on the river on
2 barges. They don't even go roost around
3 the lake anymore. They're right on the
4 river on top of barges. I can imagine
5 the shape of the people that work on
6 these barges, what they've got to go
7 through with these sea gulls out there.
8 I'm not for any dump. They should close
9 it. We're constantly accepting dump.
10 And I know it's a losing cause, but it's
11 got to stop. We just don't need this
12 here. We've had enough of it. Why we

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13 have to pay for this, keep paying and
14 paying and living with this in the air
15 all the time? We haven't done nothing
16 wrong but pay our taxes. And I think we
17 need our leaders to stop this. And I'm
18 sick of it, and I have a lot of friends
19 in the neighborhood that's tired of it.
20 I can't chase them down. I work
21 everyday. But it's a shame. You invite
22 company over in your community at your
23 house on the weekends and you have the
24 smell. It's a shame. That's about all
25 I have to say anything. And I support

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1 no dump. Stop it. Environmental - It's
2 ridiculous. We're losing everything in
3 the whole South Louisiana. Erosion, now
4 the dump. We're taking everything from
5 everywhere, and it needs to be stopped,
6 whether it's air pollution or whatever
7 they burn. They may be going to -
8 doing everything right for the DEQ.
9 They may be doing everything perfect.
10 But all it is is a landfill over marsh
11 land that was there. It was a pond. I
12 used to fish in it. That's all it is,
13 is filling up the dump, and it's a big
14 mountain of trash, just straight on top
15 of it. And it's not a pretty scene when

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16 you pass it. And there's trash and
17 debris all over the highway. There's
18 nothing beautiful about the area at all.
19 I'm sick of it. That's about all I have
20 to say.

21 MS. DOOMES:

22 Thank you, sir.

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REPORTER'S PAGE

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I, R. Aaron Palmer, Certified Court
Reporter, in and for the State of Louisiana,
the officer, as defined in Rule 28 of the
Federal Rules of Civil Procedure and/or
Article 1434 (b) of the Louisiana Code of
Civil Procedure, before whom this sworn
testimony was taken, do hereby state on the
Record:

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That due to the interaction in the
spontaneous discourse of this proceeding,
dashes (-) have been used to indicate
pauses, changes in thought, and/or
talkovers; that same is the proper method
for a Court Reporter's transcription of the
proceeding, and that the dashes (-) do not
indicate that words or phrases have been

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19 left out of this transcript;
20 That any words and/or names which
21 could not be verified through reference
22 material have been denoted with the phrase
23 "(phonetic)."
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1 R. Aaron Palmer
2 Certified Court Reporter
3 Louisiana License #25021
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REPORTER'S CERTIFICATE

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This certification is valid only for a transcript accompanied by my original signature and official seal on this page.

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I, R. Aaron Palmer, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom this matter was taken, do hereby certify that the foregoing matter was reported by me in the Stenomask (voice-writing) method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

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That I am not related to counsel or to the parties herein; am not otherwise interested in the outcome of this matter; and am a valid member in good standing of the Louisiana State Board of Examiners of Certified Shorthand Reporters.

R. Aaron Palmer
Certified Court Reporter
Louisiana License #25021

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